IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 15441 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYANTIBHAI MOHANBHAI BHIL - Petitioner(s)

Versus

DIST.DEVELOPMENT OFFICER & 1 - Respondent(s)

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Appearance :

MR JV JAPEE for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
MR HS MUNSHAW for Respondent(s) : 1,
MR SIRAJ GORI AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/11/2005

ORAL JUDGMENT

1. In the present petition, the petitioner who was an elected Sarpanch of Chhalvata Gram Panchayat has

challenged an order dated 13/8/2003 passed by District Development Officer, Vadodara upheld by the Additional Development Commissioner by order dated 14/10/2003.

2. A Criminal case was instituted against the petitioner involving allegations of having been found in a drunken condition inebriated state and speaking in-coherently . He was, therefore, alleged to have committed offence u/s 66(1)(b) of the Bombay Prohibition Act. On account of his involvement in the said criminal case, after issuance of show cause notice and giving him sufficient opportunity the District Development Officer found that the petitioner should not be allowed to continue to discharge his duties as a Sarpanch. He, therefore, in exercise of power u/s 59(1) of Gujarat Panchayat Act placed the petitioner under suspension. Petitioner challenged unsuccessfully against the order of District Development Officer, his appeal was rejected by the Additional Development Officer on 14/10/2003.

3. When the authorities exercised power u/s 59(1) of the Gujarat Panchayat Act on account of involvement of the petitioner in a criminal case, I do not see any reason to interfere with the same. As per FIR, the

petitioner who was a Sarpanch, had not only consumed liquor, he was caught in a drunken condition in a public place. He was staggering and could not walk straight. He was also talking incoherently. If the authorities after applying mind to the allegations made, found it necessary to suspend the petitioner, I see no reason to interfere. Nothing has been brought on record to suggest as to what will be the outcome of the criminal case against the petitioner. Had he been acquitted, perhaps situation regarding the suspension might stand on a different footing. In absence of any material regarding the outcome of the criminal case, I do not see any reason to interfere with the impugned order. Petition is, therefore, rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

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